THE SOUTH CAROLINA DISPENSARY

A BRIEF HISTORY OF THE FAMOUS EXPERIMENT IN STATE CONTROL OF THE LIQUOR TRAFFIC

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G. THOMANN

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PRINTING HOUSE
JAMES A. ROGERS
85-87 JOHN ST.
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Considered from the point of view of the political economist, the South Carolina State Dispensary must be classed and judged as a State monopoly of that fiscal category to which in past ages belonged all the various subjects embraced under the general title of "jura regia;" and of which modern history offers many similar, though not strictly analogous illustrations, such, for example, as the different alcohol monopolies, and the tobacco monopoly which obtains in France and seven other European countries.

In considering the South Carolina scheme, the European alcohol monopolies, namely those now in force in Switzerland, Russia and the Scandinavian countries, must necessarily be taken into account, not only because an unbiased comparison between these institutions and the American experiment will throw a flood of light upon the whole subject, but also and more particularly because in our country some of these foreign institutions have frequently been cited as precedents justifying the introduction of the dispensary. On several occasions, when American legislative bodies were called upon to consider the advisability of introducing the Scandinavian company scheme, the advocates of the proposition invariably claimed that, in principle, a close resemblance existed between the South Carolina dispensary and the Gothenburg system or the Swiss monopoly. This astounding misstatement, made in the face of the fact that these foreign institutions differ from the dispensary in regard to fundamental principles and essential details of execution, seems to have gained quite as much popular currency and credence as the equally glaring error of some of the opponents of the proposition who condemn all these European methods of State control on account of their alleged socialistic origin and the indisputable socialistic character of the conditions resulting from them.

It is one of the objects of this essay to disprove the assertion that a close resemblance exists between the South Carolina scheme on the one hand, and the Scandinavian, Russian or Swiss systems

on the other. As to the socialistic principle involved in either scheme, it would appear to be a waste of time either to prove or to disprove the correctness of the allegation. State socialism is not unknown in European countries; but it can easily be demonstrated that the peculiar control of the whiskey traffic here in question never formed part of the socialistic programme of the Russian, the Swiss or the Swedish governments; nor can anything even remotely resembling a socialistic motive, sentiment or tendency be found in the legislative debates, governmental inquiries and official documents which preceded and upon which is based the enactment of the Russian, the Swiss and the Swedish laws. Nevertheless, it cannot be denied that both the Gothenburg system and the Swiss monopoly *are* socialistic in their ultimate fiscal effects; but that does not prove anything either for or against them. In judging these institutions we must bear in mind the avowed objects for which they were established and seek to determine whether these objects are good and whether they have been accomplished by the means applied to them.

The same reasoning must apply to the South Carolina Dispensary. When, in the year 1892, the dispensary law was enacted, the Populist party had control of the State government in all its branches. In no State of the Union, not excepting Kansas, had the Populist movement grown as rapidly as in South Carolina at the time we treat of, and it continued to acquire additional power from year to year, until in 1895, when the dispensary law was re-enacted with many amendments, the legislature had become almost solidly Populistic, being composed of one hundred and thirty-three Populists out of a total membership of one hundred and sixty. Although as a rule, Populists protest vehemently against any attempt to class them as Socialists, it is nevertheless true that a striking concordance of postulates exists in many respects between the platforms of populism and those of American socialism. It is not intended here to prove anything against either party on account of this identity of principles and demands. Some of the latter, such, for example, as national ownership of telegraphs and railroads, graded income-tax, and others, are embodied in the laws of many monarchical countries and, like the municipal ownership of illuminating plants, street railways, etc., have been in full force and effect long before socialism assumed the character of a political issue

upheld by a political party. Excepting the fallacies of the Silverites and of the advocates of fiat money, the socialistic demands formulated by the People's party do not contain anything that Populists need be ashamed of, and their protests are, therefore, groundless as well as unnecessary.

What we desire to make clear is that the dispensary law was enacted when the legislative and executive branches of the State government were in the absolute control of a political party whose platform derives a considerable proportion of its popularity from an infusion of socialistic principles and tenets; but that, notwithstanding this fact, the dispensary system, although socialistic in its ultimate effects, was neither intended nor openly or covertly designed to realize any avowed socialistic aim, or to respond to any populistic demand, either expressed in the party's platform or voiced on the hustings or in the press. Socialism as an economic question or issue did not even indirectly enter into consideration; it had not the slightest influence upon those who created the dispensary. Its subsequent injection into the discussion and the recondite disquisitions upon the socialistic features of the dispensary, may have served and probably did serve a good purpose. It certainly did not lack logical justification, but it only tended to encumber the subject with wholly irrelevant considerations, when it became a question of testing the dispensary scheme upon its merits as a reputed temperance measure. With the elimination of this alien feature, a comparison of the dispensary with the Russian, Swiss and Gothenburg systems becomes an easy matter.

In Switzerland and in the Scandinavian countries, thoroughly scientific inquiries instituted and conducted by, or under control of, the government led to the general conclusion that alcoholism, that is to say, the physical and moral maladies resulting from the excessive consumption of intoxicants, can successfully be remedied by the enactment of laws discriminating in such a manner between the strong distilled and the mild fermented beverages as to popularize the latter, making them the common drinks of the mass of the people. Incontestable testimony, based upon international statistics of alcoholism, proved the greatest prevalence of the evil in countries where, by reason of unwise legislation, the use of wine or beer had been superseded by the general consumption of ardent spirits. On the other hand, these data showed that inebriety,

even in its milder forms, did not prevail to any alarming extent in countries where light wines of domestic growth or malt-liquors had always been the popular drinks. It was also demonstrated that the evils of alcoholism were produced not alone by the excessive quantity of spirits consumed, but also by the very inferior quality of many of these liquors—a result, in part only, of rural distillation in its crudest form and of a lack of rational supervision.

Many other important factors, besides unwise legislation, contributed to the deplorable state of affairs which, having produced a widespread fear of race-degeneracy, gave rise to the governmental investigations here referred to; but even these factors—not excepting some traceable to natural causes—derived their destructive force from the operation of unwise laws. Climate, racial traits and temperament, social and political conditions of the people, industrial and educational development—these are some of the factors which had to be taken into account; and it need not be said that in respect to all of them a marked dissimilarity exists between the highly enlightened, polyglot people of the world's model republic Switzerland, now at the very zenith of industrial and educational development, and the down-trodden people of autocratic Russia. Yet, with all these differences, the all-important conclusion that unwise legislation is at the bottom of the evil, applies with equal force to both countries, as well as to Sweden. A single illustration will suffice to show this. The climate of both Sweden and Russia has two very significant effects, viz: it predisposes the people to the excessive consumption of alcoholics, and, excepting a small area in southern Russia, it prevents the development of viticulture. On the other hand, the inhabitants of Switzerland are naturally temperate and the climate of their country favors viticulture in many cantons; besides, the little republic borders on, and maintains close commercial relations with, the three greatest wine-producing countries in the world. Yet here, where under sane and natural conditions wine, beer and cider have been and should still be the drinks of the people, because cheap and easily obtainable—as in Sweden and Russia, where beer, pivo, mead, quass and other similar fermented liquors were once the popular beverages—pernicious fiscal legislation drove the people to the use of ardent spirits. Summarizing official reports, scientific researches and parliamentary investigations, the present chief of the Swiss alcohol

monopoly, in one of his public addresses, thus describes the causes of alcoholism in his country, viz.:

"Former legislation was irrational in two respects. On the one hand, several cantons (and among them the very cantons which have neither viticulture nor brewing, and which, so far as viticulture is concerned, could not have any, on account of climatic conditions) had, by the imposition of high import duties upon intoxicating liquors, either closed their doors against the importation of wine and beer, or rendered the price of these drinks too high; so that in either case the effect of this protective tariff was at first the development of home distilling, which is not dependent upon climatic or other conditions, and finally the overproduction and the consequent cheapening of ardent spirits. On the other hand, for the sake of administrative expediency, the retail sale of whiskey, especially the direct sale from the distilleries, had not been fettered by any very effective legal restraints, while fiscal interests had demanded that all possible checks be imposed upon the sale of wine and beer. The outcome of these circumstances, in connection with others, has finally been, that in Switzerland the annual consumption of spirits, calculated in pure alcohol, amounts to almost 5½ liters or transformed into drink, of 50 per cent., 11 liters per head. I will not take up time by depicting the consequences this consumption of spirits has produced. They are the same in almost all countries, and manifest themselves alike in all countries and in the same directions."

It would not be in keeping with either the form or the object of this brief essay to dwell at length upon the Russian and Swedish laws, or upon the conditions to which they were applied and the state of things they produced; but a brief summary of both seems indispensable.

The ancient Scandinavians were, doubtless, a race of hard drinkers; even their mythology abounds in evidences of this, and the moment they emerge from prehistoric obscurity into the light of history we see them (as we see their German cousins, whom Tacitus described) as a chaste, morally clean, physically powerful race of men, of indomitable will, distinguished alike for their love of freedom, their veneration for women, their frenzied fury in battle and their strong predilection for mead or beer. It is barely possible, but not likely—we may as well say this by way of anticipating our friends, the prohibitionists—that the latter characteristic may in some measure account both for the "berserker rage" and the "furor teutonicus;" but even if it were true, it would not change the fact that in spite of occasional bacchanal excesses, which in many instances partook of the nature of religious rites, drunkenness was not a national vice of the Norsemen, and that alcoholism with its degenerating tendency was wholly unknown. The nature of their drink was not such as to produce this evil; its percentage of alcohol was very small and, considering the mode of life and the astounding

physique of the ancient Northmen, it will readily be understood that even copious libations could not produce such an effect. It was practically the same beverage of which many centuries later the maids of honor at the court of Queen Elizabeth consumed from three to five quarts each at breakfast. At all events, history and science agree that alcoholism, and even drunkenness in that modern sense of the term which conveys the idea of a national calamity accompanied by symptoms of physical and moral decadence, were unknown before the introduction of distilled liquor as a beverage.

In Sweden the evil reached its highest point when, misled by erroneous economic theories, the government granted to every farmer the right to distil and subsequently extended this privilege to all freeholders; the unrestricted right to distil for the market being reserved to rural tavern-keepers and, singularly enough, to the brewers in the cities. Distillation being regarded as an economically indispensable adjunct to agriculture, was practised by every farmer; and it is said that in 1747 nearly every household in the land had its private still. The inevitable result of these unwise laws had become so glaringly manifest within a short time that in 1772 Gustavus III, actuated alike by the determination to raise revenue and a desire to repress the flood of alcoholism which had inundated the country, established an exclusive crown monopoly, so rigid in its provisions (the King becoming practically the only lawful distiller) that it led to widespread discontent, popular uprisings and an almost universal resort to smuggling and moonshining. The crown then farmed out the right to distil for home consumption, giving rural tavern-keepers and all city free-holders the right to distil for the market. Again the same horrible results. For a time every conceivable method of restriction, except the most obviously effective one of national taxation, was resorted to and nearly every session of the national legislature brought forth new laws designed to repress the evil; but the popular conviction that the right to distil for their own consumption should not, against their will or without compensation, be wrested from those who had theretofore exercised it, was so strong and deeply rooted as to bid defiance to the reformatory intentions of the lawmakers.

In 1829 there were still 172,043 distilleries in operation in the rural districts, and the per capita consumption amounted to seven and one-half gallons. At about this time the turning point was

reached. The ravages of alcoholism had assumed the form of a national calamity, and innumerable symptoms indicated a rapid physical and mental decadence, particularly noticeable in the large proportion of young men found unfit for military service. Dr. Huss, by his admirable writings on the subject, had opened the eyes and aroused the conscience of the people and thus set in motion a counter-current of public opinion which finally led, gradually and by slow stages, to the adoption of the system in force to-day. The era of free distillation had lasted almost one hundred years, for not until 1860 was the right to distil for home consumption entirely abolished.

The introduction of distillation into Russia, which took place in the Sixteenth century, is attributed to the Genoese, then in possession of the Crimea, one of the few Russian provinces in which viticulture flourishes to a comparatively large extent at the present time. Up to that period, a number of fermented beverages, such as mead, pivo, braga, quass, etc., constituted the principal drink of the country. Naturally predisposed (by climate and temperament, by economic and social environment) to the excessive indulgence of the craving for stimulants, the Russians eagerly seized upon this new, powerfully seductive drink and soon became addicted to its use to an extent which earned for their country the unenviable appellation of "the land of vodka." The delusive name *aqua vitæ* was accepted literally and in good faith by the great mass of the people, and the facility with which the drink could be manufactured wherever the soil yielded grain, the ease with which it could be kept or transported, the readiness with which it accommodated itself to a crude system of barter—all these advantages, joined to a rapacious fiscal policy which encouraged consumption, not covertly or insidiously, but openly and systematically, and exploited the bacchanal predilection of the people, produced a state of affairs that seems to justify the sobriquet. Much of this must be ascribed to the shortsightedness of the feudal nobility whose seignioral rights included distilling and who wielded absolute control over a pliable people living in predial bondage. But the real root of the evil was the imperial policy of making the manufacture and sale of spirits as prolific a source of revenue as the unlimited autocratic power of the ruler could possibly make it. *This was accomplished not by a tax-rate sufficiently high to yield revenue and yet restrict the con-*

sumption, but by a system avowedly designed to increase the use of ardent spirits.

This system was in the nature of a monopoly of the crown, applied either directly by government officials or indirectly through the agency of contractors (farmers general). These contracts were given to the highest bidder, who sold the licenses to sell at the kabaks (rum shops) to traders. Both these dispensing agents could be depended upon to make the most of their bargain, and historians of the most divergent opinions, in other respects, all agree that the serfs' drinking propensity was artfully and systematically stimulated by the keepers of kabaks to an extent that must seem incredible to any one unfamiliar with Russian affairs. But even if these agents had been inclined to yield to conscientious scruples, the Government took care that they should not succumb to so righteous an impulse. The contractors were subjected to the control of vice-governors of provinces who derived a proportional emolument from the sale of spirits; hence it was to their pecuniary advantage to use all possible means in order to augment the consumption; and in this respect the peculiar institutions of Russia afforded no barrier against official rapacity and private cupidity. Increase of consumption and deterioration of quality appear to have been the sole objects of these high officials. Both Morewood and Storch relate as a proof of this, that General Kaptzevitch, governor of Tomsk, deeming the output of the governmental distilleries insufficient for his pecuniary wants, ordered that the officer in charge receive a certain number of stripes, if the quantity of spirits extracted from the grain were not more than double the quantity produced under the administration of his predecessor.

Attempts at a reformation of this destructive system are of very recent origin; in fact, not before the reign of the present unfortunate ruler did the government occupy itself with the hygienic and moral aspects of the question.

Having thus briefly outlined the conditions which fairly clamored for radical reforms, we will quite as briefly summarize the basic principles of the monopolies existing to-day in these three countries.

Reversing the order observed in the foregoing, we begin with Russia. Alarmed by the ravages of alcoholism, the government determined to use the alcohol monopoly as a partial remedy of the

evil. Instead of exploiting the monopoly as a source of revenue the productiveness of which depended largely upon the systematic encouragement of consumption, it was decided to use it as a means of restricting the consumption of ardent drinks. It is still a revenue measure, but so modified and adjusted to prevailing conditions as to minimize its former pernicious effects. It is no longer the aim of the government to sell as much "vodka" as possible, but rather to restrict its use and, at the same time, to secure the highest attainable standard of purity of potable spirits. Laws against inebriety go hand in hand with governmental aid to temperance efforts and with the appropriation of a considerable proportion of the alcohol-revenue for purposes of popular entertainment and instruction by means of concerts, theatrical performances, reading-rooms, libraries, etc.

The latest Russian monopoly which is in force throughout the country since 1901, is designed, to use the words of the law, to "protect the people's health and morality." *Neither beer nor any other fermented beverages are included in this restrictive system.*

The Scandinavian laws aim primarily at an almost absolute governmental control of the quantity and quality of ardent spirits designed for home consumption. The retail sale of distilled liquors assumes the form of a peculiar monopoly under the operation of what is known as the Gothenburg law. The principal features of this system are: I. The number of licenses allowed to be granted is prescribed by law. II. The right to sell under *all* these licenses is sold either at auction, or for a fixed sum to retailing companies, consisting of philanthropists. III. The saloons of the companies are managed by salaried officers, who are forbidden to encourage the guests to drink ardent spirits. IV. In the saloons, beer, tea, coffee, and solid food are furnished at moderate prices; the rooms are airy, well-furnished and provided with reading matter, pictures, flowers, etc. V. Only perfectly pure and thoroughly rectified spirits are offered for sale. VI. *Malt liquors are exempt from the restrictions imposed on the manufacture and sale of distilled liquors*, the use of these milder beverages as substitutes for spirits being thus directly and indirectly encouraged. VII. All profits arising from the sale of distilled liquors are paid into the municipal treasury. VIII. The municipal authorities endeavor to ameliorate the condition of the laboring people, by erecting comfortable dwellings and

letting them at a low rental, and by such other means as may be dictated by the consideration that misery, physical want and social privation constitute a potent incentive to excessive drinking.

Under the Swiss Alcohol-Monopoly the entire production of ardent spirits passes through the government's rectifying establishments and is put upon the market in a state of absolute purity, and at a price which includes cost of production, plus a tax so rated as to act as a considerable restriction upon consumption. Thus the Government practically controls the quantity and the quality placed upon the market. In addition to this it also exercises a restrictive influence upon the dispensers. The most significant part of the official report upon which the monopoly is based and which has since then become the fixed policy of the Federal Government of Switzerland reads as follows:

A tax upon ardent spirits alone will not accomplish the desired object; in order to be fully effective, it must be followed by a systematic diminution and the ultimate abolition of taxes upon wholesome beverages, such as beer, wine, cider.

This sentence furnishes the key to the situation as it exists in all civilized countries, and as such it at once explains and illustrates both the cause and the cure of alcoholism, as shown in the light of the experiences of mankind and reflected in the results of scientific and governmental investigations throughout the world. Any other rational and successful solution of the drink problem appears inconceivable to the unbiased student of the question, unless it be assumed that it is possible to eradicate, by some mysterious agency, the craving for stimulants which science has long since recognized as something akin to instinct and found to exist in all human races known to history. If this craving cannot be eradicated—and no sane man would hold that it can—the best method of reform must be the one that substitutes as the people's drink a beverage containing 4% for one containing 50% of alcohol.

No system intended to remedy or counteract the evils of intemperance can be judged by any other standard; least of all the South Carolina dispensary, seeing that its friends and its foes alike have invited and challenged a comparison of it with the European alcohol-monopolies reviewed in these pages.

Fairness exacts the statement that the originator of the dispensary, Senator Tillman, then Governor of South Carolina, never

cited these foreign monopolies as examples of his own scheme. In fact, in the message to the legislature in which he first mentioned the subject (1892) he frankly admitted that the municipal dispensary of a city in the neighboring State of Georgia had served as his model.

As to the political origin of the system, Governor Tillman gave a very fair cue and criterion in the same message, when he stated that the Georgia experiment was "pronounced a success by the prohibitionists." To one unacquainted with the political situation in South Carolina in those days, this reference to the prohibitionists' alleged approval of the dispensary might seem wholly irrelevant, but it had a very strong bearing upon an actual issue that could not be ignored. The majority of the legislature was composed of adherents of the People's party who had just gained the ascendancy over the old aristocratic minority that ever since the end of the carpet-bag régime had ruled, controlled and dominated the Democratic party. With the elimination of the negro vote as a determining factor in the State's politics, the struggle in every campaign had really become a fight between the patrician and the plebeian. The old line of demarcation between the slave-holding aristocrat and the poor white still existed, but with this difference, that since the war the poor whites had acquired, in small parcels, a great part of the land formerly held by a comparatively few men, and had in their way undertaken the task of rebuilding the shattered fortunes of the State.

This People's party, principally composed of farmers, was strongly in favor of prohibition as a means of preventing excesses on the part of the colored population. Agriculture being the principal pursuit in this State, a vast majority of the people live in rural districts, and as the colored population outnumber the whites throughout the State and particularly in these farming districts, this party's leaning toward prohibition can readily be understood, if it be considered from its own point of view. In such localities the saloon, as it exists in cities, plays but an insignificant part in the drink problem. The illicit distiller, the itinerant vendor and the country store supply the demand for whiskey, and they supply the drink, such as it is, in demijohn or bottle. In order to remedy this evil, local option had been resorted to, after a general act peremptorily forbidding the issuance of licenses in rural districts, had failed.

Local option failed likewise, as it always does, no matter what the conditions to which it is applied.

The discrimination in the matter of licenses between incorporated communities and the country districts aggravated the antagonism already existing between the urban and the rural population, and Governor Tillman displayed great skill and adroitness in contrasting the benefits which accrued to the cities from the liquor-traffic with the tax-burdens that had to be borne by the farmers who enjoyed no such counterbalancing advantages. All this strengthened the party's tendency towards State prohibition; in fact, this tendency had become so strong that as early as 1891 the House passed a prohibitory measure, which the Senate barely succeeded in defeating. Subsequently, a popular vote on the question resulted in a decided victory for the prohibitionists, although this result could not justly be claimed as reflecting the sentiments of a majority of the people, because the citizens who had not expressed any opinion on the subject outnumbered, by one hundred per cent., the majority in favor of prohibition. Nevertheless, a majority of the members of the legislature were pledged to prohibition; and a prohibitory law would undoubtedly have been enacted had it not been for the fact that the party, by a plank in its platform, had committed itself unequivocally to a reduction of taxes. The leaders, including Governor Tillman (who for once, at least, had overshot his mark) readily perceived the impossibility of realizing both objects, and therefore determined upon sacrificing prohibition. The House again passed a prohibitory bill, but the Senate, under pressure of the Governor's influence, killed it and passed in its stead the act creating the State dispensary, which the House adopted without discussion or amendment.

The Act created a State Board of Control with power to appoint County Boards of Control, the latter being empowered to establish rules for the sale of liquors in their respective territory, such rules to be subject to the approval of the appointing body. This power included the establishment of local dispensaries and the appointment of local dispensers, the number and location of whom were fixed by the law. The purchase of all distilled and fermented liquors for use in the dispensaries was intrusted to a Commissioner appointed by the Governor; and all dispensers were compelled to purchase their supply from this Commissioner, who was enjoined

to give preference in his purchases to distillers and brewers doing business in the State. Brewers and distillers could not sell to any person within the State except the State Commissioner; and even their sales to purchasers outside the State had to be certified. The Commissioner must supply liquors to dispensers for not more than 50% above the net cost. There were various provisions regulating the mode of appointing dispensers, and the manner of selling liquors to the consumer. Sales to consumers could only be made upon written or printed application bearing the signature of the purchaser and counter-signature of the dispenser. Sales to minors and habitual drunkards were forbidden. All liquor packages had to be sealed and provided with the Commissioner's certificate; they were not to contain less than one-half pint nor more than five gallons. The consumption of liquors upon the dispensers' premises was forbidden. All net profits of the dispensaries were to be divided equally between the county and municipality, the dispensers acting merely as official agents and receiving for their services a compensation fixed by the State Board. So far as the establishment of dispensaries was concerned, the freeholders of the municipalities exercised the right of what might, for the want of a better term, be styled an indirect veto, inasmuch as no dispenser could be appointed unless his application was signed by a majority of the freeholders. The act also forbade the importation of liquor into the State except upon the order of the Commissioner. For the enforcement of the law the Governor was empowered to organize a constabulary force.

The law went into effect on July 1st, 1893, only to prove its utter ineffectiveness in the face of the open antagonism manifested in all the municipalities, the discontent of the defeated prohibitionists, the impossibility of securing the conviction, by juries, of illicit sellers, as well as the obvious disinclination on the part of the local authorities to prevent the illicit traffic, or to assist in opening and maintaining dispensaries. Adverse judicial decisions, which multiplied very rapidly, augmented the difficulties to such an extent that Governor Tillman, baffled and discomfited at every point in spite of his almost reckless use of the constabulary force, had to acknowledge his inability to cope with them. The "blind tiger" reigned supreme, and during the interval between the enactment of the law and its first amendment, in December, 1893, the traffic flourished

practically without any restraint, and neither the State nor the municipality derived any revenue from it; for the small proportion of liquors which reached the consumer through the official channels had yielded no profit worth mentioning.

State and United States Courts had decided against the law; the former on various grounds, prominent among them the absence of a penal clause aimed at the mere selling of liquors; the latter courts, on the ground that the clause forbidding the importation of liquors amounted to a violation of the Interstate Commerce Act. In amending the law, the legislature virtually ignored nearly all legal objections, and endeavored to overcome the difficulty of enforcing the monopoly by giving to the Governor absolute power(1) to increase the number, strengthen the organization, and amplify the coercive functions of the constabulary; (2) to punish recalcitrant municipalities by withholding from them their share of profits accruing from the dispensary; and (3) to extend the dispensary system, almost at will, even into territory where the people had declared for prohibition.

A general revision of the penal clauses of the law resulted in the adoption of amendments so changing the nature of the penalties as to make the offenses to which they were to be applied amenable to the jurisdiction of trial justices. In view of the fact that trial justices may be removed from office by the Governor, the object of this amendment could not be misunderstood; but if there had been any doubt about it, the Governor's letter of instructions to these justices would most effectually have dispelled it. In this document, as remarkable for its rare candor as it is characteristic of the whole dispensary movement, trial justices are threatened with removal unless they take care that in cases where defendants in liquor suits demand trial by jury (to which under a decision of the Supreme Court they were entitled) "no names are put into the hat (from which the jurors are to be drawn) except those of men who will find a verdict according to the evidence, and not perjure themselves through prejudice against the law."

In preparing himself for the fierce conflict which he clearly foresaw, the Governor remodeled the constabulary force on a military basis and armed the men accordingly. He then proceeded to carry out the provisions of the law relating to recalcitrant municipalities, and at the same time instructed the constabulary to search private

houses, if necessary, in their endeavor to trace the illicit traffic to its various sources. No civilized people outside of Russia would have tolerated such an autocratic procedure, and Governor Tillman might have known (he probably did know) that South Carolinians would not tamely submit to it. A state of intense excitement prevailed throughout South Carolina; riots occurred in several places, notably in Darlington where an armed conflict between citizens and constables resulted in the death of five men and a considerable number of other casualties. In many instances the officers and men of the militia, when called upon by the Governor to assist the constabulary in quelling public disturbances, flatly refused to obey; citizens of all classes gathered in public meetings and, roused to the highest pitch of indignation by inflammatory speeches, adopted insurrectionary resolutions. Everything, in short, seemed to indicate the outbreak of a general rebellion, but Governor Tillman again proved himself master of the situation. Other militia companies, either because their rank and file belonged to the dominant party or because they were less jealous than their brothers-in-arms of the civil rights and personal liberty of the people, obeyed the Governor's call, thus enabling the Executive to mass an efficient fighting force at the points of danger and to hold in reserve at the seat of government a sufficient number of armed men to meet emergencies.

At this highly critical moment another conflict like the Darlington riot would inevitably have precipitated a civil war, a miniature counterpart of the whiskey rebellion which forms a part of the history of Washington's administration. It is extremely doubtful that in spite of Governor Tillman's martial preparations and his unmistakable readiness to strike in full force, the impending danger could have been turned aside, had it not been for the calm and dispassionate attitude of those leading newspapers whose editors were opposed to the dispensary law, but who had somehow obtained information to the effect that by a decision of the Supreme Court the law would be declared unconstitutional within a short time. The publication of this information acted like a sedative upon the excited people, and the constabulary force remained unmolested in the discharge of their duty, proceeding for a time less ruthlessly under the sobering effect of their bloody experiences with an infuriated people.

A little more than a fortnight after the Darlington riot, the Supreme Court of the State rendered two decisions in rapid succession. One decision declared the unconstitutionality of the dispensary law on the ground that the State has no right to engage in commercial pursuits and that a monopoly of the liquor traffic by the State cannot be justified on the ground that it is a legitimate exercise of the police power. The other decision outlawed the traffic entirely, the Court holding that with the invalidation of the dispensary law, the issuance of licenses to deal in intoxicating liquors (other than those provided for in the unconstitutional dispensary law) was unlawful, and that therefore prohibition must prevail throughout the State.

A brief era of "free whiskey" resulted from these decisions. The State closed the dispensaries and thus put a complete stop to the legalized sale; but the illicit traffic flourished without any restraint whatsoever, because, while the Governor claimed that he had neither the authority nor the means to enforce prohibition, the municipal authorities tolerated the opening of the old saloons to which the urban population had been accustomed and which they regarded as far preferable to the Tillman system. The official revenue reports throw a flood of light upon the extent of the traffic at this time. In the whole year before the dispensary law went into effect (1892) there were issued by the U. S. Government, 1003 retail liquor-dealers' licenses in the State; while during the brief duration of the lawless interregnum, the revenue office issued over eleven hundred and eighteen certificates to liquor-dealers, of which 111 were to dealers in malt-liquors, a class represented by but thirty-three establishments in 1892.

It is difficult to surmise what the motives may have been that prompted Governor Tillman's remarkable alacrity in complying with the Supreme Court decision; he certainly had no intention of abandoning his dispensary scheme, as subsequent developments clearly demonstrate. While allowing things to drift along in the condition here outlined, he prepared himself for a vigorous appeal from the Supreme Court's decision to the voters, and in the meantime so manipulated his party's affairs as to secure the election of a Populist in the place of a Supreme Court Judge (inimical to the dispensary) who was about to retire. This election changed the political complexion of the Court, and. being sure of a favorable

decision, the Governor, after delivering a number of public addresses to the people, issued a proclamation practically nullifying the adverse decision on the ground that it referred exclusively to the Act of 1892, which had been superseded by the law enacted in 1893.

He knew, of course, that the principle which rendered invalid the one act, also invalidated the other and that the court, constituted as it was in April, 1894, would also have declared invalid the amended law. He neither denied nor attempted to conceal the fact that he was fully aware of this; indeed, in his subsequent message he characterized the decision as an "*outrage, the result of partisan bias*," and openly admitted that he "*resolved to thwart the court*," and to rely upon "*a change in the court*" for a reversal of the decision.

A less courageous, determined and self-reliant man than Governor Tillman would probably have waited for this new decision before re-opening the dispensaries; but as such a course would have involved the disbandment of the constabulary force and caused serious financial embarassment, the Governor took the "bull by the horns" and re-established the system then and there. Undaunted by previous riots and indifferent to the popular discontent which his revolutionary methods, particularly his defiance of the law courts had engendered, he declared his determination to maintain his outlawed system by force of arms, even if it required the mobilization of the entire military force of the State. Fortunately for him and for the State, the expected decision in favor of the dispensary was rendered within a few months after the proclamation (October, 1894), and the dispensaries were thus again placed upon a legal footing.

In January of the following year (1895) the law was again amended in such a way as to augment the autocratic powers of the executive in many respects. Increase of the police force, rigorous punitive measures; extension of the system and multiplication of dispensaries as a means of fighting the "blind tiger;" change of venue in liquor suits so as to bring delinquents before rural juries; absolute control of local breweries and distilleries by a system of manufacturing permits; introduction of a spy-system by which half of the proceeds from the sale of confiscated liquors are paid to the informer—these and some other changes constituted the substance of the new amendments.

Simultaneously with these amendments, the legislature enacted a law completely overthrowing the principles of municipal independence and home rule. This measure, known as the metropolitan police act, empowers the Governor and two other State officers to appoint for any city a State Commission who, superseding the local authorities, shall have full control of police regulations, with power to appoint as many temporary policemen as they may deem necessary for the proper enforcement of the law.

In the same year (1895) an article was embodied into the constitution of the State which empowers the legislature to deal with the drink-question in three ways, viz.: 1. In the exercise of the police power, it may prohibit the manufacture and sale of alcoholic beverages; or, 2, it may license persons or corporations to make and sell liquor under such rules as it may deem proper; or, 3, it may authorize and empower State, county and municipal officers, all or either, under the authority and in the name of the State, to buy liquors in any market and retail them within the State in such packages and quantities and under such rules as it deems expedient, provided that in no case shall licenses be granted to sell alcoholic beverages *in less quantities than one-half pint, or to sell them between sundown and sunrise, or to sell them to be drunk on the premises.* The concluding paragraph of this article provides that the legislature shall not delegate to any municipal corporation the power to issue liquor licenses.

Subsequent amendments of the law only tend to render effective the essential provisions summarized in the foregoing pages, and it is therefore deemed unnecessary to go into details at this point, more especially because these things will receive due attention in the course of our narrative whenever necessary to a clear understanding of the matter.

It remains to be said that by virtue of an act passed in 1899, the net income derived by the State from the sale of liquors must be apportioned among the counties of the State for the benefit of the public schools, in proportion to the number of pupils attending.

As in ordinary commercial ventures, the profits are of a twofold character, namely the profits of the wholesaler and those of the retailer. The latter must be divided between the towns and the counties; the former constitute the school fund as provided for by the above mentioned law. They could not have been

put to a nobler use, for South Carolina sorely needs a better public school-system, the percentage of illiteracy being 13.6 among the whites and 52.8 among the colored people, according to the Census of 1900.

The conflict between State and Federal authorities brought about by that part of the dispensary law which, in manifest violation of the Interstate Commerce Act, forbade the importation of liquors except upon the order of the State Commissioner, was not disposed of, as might have been supposed, by the judicial decision before referred to. Constables continued to seize liquor-packages even in the hands of common carriers, and harassed the "original package" dealers to a considerable extent until, in 1898, Judge Simonton issued an injunction enjoining the State officers from interfering with the delivery and sale, in original packages, of liquors brought into the State. Under this injunction, the dealers in original packages obtained a perfectly legal status which, if continued for any length of time, would in all likelihood have driven the State out of the liquor business; but a Supreme Court decision, rendered in the following year, changed this state of things completely. The Supreme Court then held that the purchaser within a State has the constitutional right to receive packages from another State for *his own use*, notwithstanding that there be State laws to the contrary, but that he cannot *sell* in the original packages in violation of such law.

Singularly enough, even this extremely favorable interpretation of the Federal law does not appear to have satisfied the South Carolina authorities in charge of the dispensary system, probably because the C.O.D. shipments to private consumers assumed such large proportions as to diminish appreciably the flow of official revenue. Within less than two years after the last mentioned decision, complaints of illegal interference on the part of the dispensary officials had become so frequent, that Governor McSweeney felt constrained to ask the advice of the Attorney General of the State. Under date of March 16th, 1900, this officer decided that "the mere ordering of liquors by a person in South Carolina for his personal use from another State, the purchase price to be collected on delivery, does not constitute a sale in South Carolina and is not in contravention of the South Carolina laws in regard to alcoholic liquors."

In order to complete this brief recital of the legal aspect of the question, it is necessary to quote here the substance of a decision, rendered by the U. S. Court of Claims on the 29th of February, 1905 —a decision which will be frequently referred to as a source of information in the further consideration of the entire subject. Up to 1901 the State had paid without protest the U. S. special taxes imposed by the internal revenue law upon all wholesale and retail dealers. In that year the Dispensary Commissioner suddenly conceived the singular idea that the Federal government cannot lawfully tax a State engaged in the liquor-traffic and that, consequently all previous payments of the tax, amounting to $22,840.71 during the seven years which had elapsed since the re-enactment of the dispensary law, had been exacted illegally and should be refunded. The gist of the Court of Claims' decision, so far as it is of importance for present purposes, lies in the following sentence: "The Court does not question the power of the State to carry on this business and does not doubt that the proceeds of the business lessen the taxes of the tax-payers. All that it decides is that the business of the dispensaries was, intrinsically, business and not government, and being business, was subject to the same national tax which is borne by all other persons engaged in the same business."

The critical period of the dispensary ended, as we have seen, in 1898 when the Supreme Court decision destroyed the original-package trade and thus restored to the State the full, unhampered and absolute control of the traffic, in so far at least as its legal pursuit was concerned. The constabulary, which had been disbanded, was at once reorganized and the authorities endeavored by all means at their disposal to extirpate the illicit sale which had spread throughout the State, coevally with the legalized original-package competition. Changes were made in many respects, more particularly in regard to the method of control, the work of the constabulary; the prevention of peculation and embezzlement on the part of officials, etc.; but in the main the basic principles of the system remained unchanged.

The key to the whole temperance problem—*i.e.* a proper discrimination between fermented drinks and distilled liquors played a conspicious part at about that period, as will presently be demonstrated, and led to a modification of the law in the interest of temperance.

If now, having all the requisite material before him, one should attempt to describe in a few words the true nature of the dispensary-system, he would inevitably become intangled in a series of contradictory statements, which would require explaining. In all probability we shall not escape this fate. To begin with, it may be repeated that the dispensary law was not intended as a socialistic experiment, although enacted by a party whose platform savors strongly of socialism. Yet in its effects it is socialistic, and those are very near to the truth who hold that if the State has the right to monopolize the sale, it may also monopolize the manufacture of drink and pocket the profits of both in the interest of the taxpayers; and from this proposition it would be but a short step to the communistic idea that *all* manufactures, as well as commerce, should be placed into the hands of the State. This phase of the question ought to be set aside entirely, as has been intimated before.

Now, what was the real intention of the lawmakers? It has been shown that the law was substituted, in the rush of a closing session, for a rigorous prohibitory bill. A majority of the lawmakers, uninfluenced by partisan considerations, would undoubtedly have voted for prohibition which in reality is only another name for "free rum," but which these legislators regarded as a genuine temperance measure. The advocates of the dispensary, on the other hand, claimed that the cause of temperance, of public morals and public health would be best subserved by a monopoly which would at once curtail the consumption of intoxicants and increase the public revenues, besides offering an official guarantee of the purity of spirits. It is not immaterial which one of these considerations predominated, but it is inessential for our purpose to inquire into or determine the correctness or falsity of the oft-repeated accusation that one of the principal objects of the originators and advocates of the system was to build up a strong political machine for partisan purposes.

Let us assume that the dispensary owes its existence to the three first-mentioned considerations and to no others, and then let us recapitulate the means by which these three objects are to be accomplished. The State buys all intoxicants, has them analyzed by the chemist of Columbia College as to their purity, then sells them through the dispensaries, at a fixed profit, under the following restrictions, viz.: Liquors must be sold in sealed packages bearing

the State's trademark and containing no less than one-half pint nor more than five gallons, not to be consumed upon the premises of the dispensary; only one such sale a day can be made to any one person; all sales must be made between sunrise and sunset; liquors shall not be sold to minors, to habitual drunkards nor to any person not known to the dispensary as a person of good character or vouched for as such by a reputable person. This is the sum and substance of the scheme.

The essential and all-important difference between it and the three European monopolies, before referred to, is that it includes all fermented liquors and that it eliminates the saloon; whereas these foreign monopolies are exclusively confined to ardent spirits and foster and encourage the moderate consumption of light wines and beers under rules and conditions which make the beer-garden, the café and the saloon, conducted as a place of recreation, of rational amusement and sociability for all classes of the people—men, women and children—a necessary and important adjunct to true temperance.

The mere elimination of the saloon does not necessarily cause less drinking or less drunkenness and when its place is taken by a system which compels the drinker to buy his supply of liquors in quantities up to five gallons for consumption at his home, and by enhancing the price and the inaccessibility of beer actually prevents the mass of working people from using malt-liquors, the result cannot possibly be in favor of temperance.

As to this saloon-question, the author of the universally recognized standard work on the International Statistics of Alcoholism, Dr. Milliet, Chief of the Swiss Alcohol Monopoly, summarizes the official information furnished him by the governments of nearly all civilized countries in the following words, viz. :

"We find that the temperance movement has two distinct elements, viz.: the struggle against the tavern and that against alcoholism. By alcoholism we understand the evil effects on individuals and society of an immoderate use of intoxicating liquors, whereas the tavern evil is only a specific but perverted outgrowth of the natural craving for entertainment and society. In direct contradistinction to alcoholism, it may exist where there is only moderate drinking. The tavern evil certainly leads in many cases to the immoderate use of alcohol, and, in consequence, to the disease of alcoholism; but these are not its necessary, and, very often, not its actual consequences. Alcoholism can be produced and exist independent of the tavern, and vice versa. It is clear that there is an inevitable connection between the tavern and the tavern evil, but the relation between this evil and the number of taverns is by no means a necessary one. It is a matter of experience that

one tavern may cause more trouble than ten. Still less intimate is the relation between alcoholism and the tavern on the one hand and alcoholism and the number of taverns on the other. There is no more connection than between the number of railroad stations and the amount of traffic, or the frequency of accidents. Taverns, like the stations, are so various in character and influence that they can hardly be classed together as a whole, and to attempt to do so is to sacrifice *quale* to *quantum* in an unfair and inadmissible way. As traffic utilizes other channels besides the railroads, so the tavern is not the only and, in many cases, not the principal refuge of that taste for liquor which leads to alcoholism. Suffice it, in this connection, to call attention to the fact that the public establishment for the sale of liquor plays a different rôle in the town and in the country, in the regions where wine or brandy is produced and those in which vineyards and distilleries are wanting, etc. In most countries, and especially in Switzerland, where real grogshops are few, brandy, of all drinks the most injurious, and which leads most quickly and surely to alcoholism, *does most harm where it is set forth by the private host rather than the public landlord, drunk at home and in the workshop rather than in the tavern.*

"The tavern cannot well be investigated statistically. But the international statistics of alcoholism, by their contradictory testimony, go to confirm what has been said above. They show increase in the number of public houses, with and without increase of the consumption of liquor and of alcoholism; decrease in the number of taverns, with and without decrease of intemperance; relatively large numbers of public drinking places, with relatively little drinking, and vice versa. Where, however, a reduction of the number of taverns has been followed by a decrease of alcoholism, such reduction has either been accompanied by other important measures, or has been so radical as to partake of a prohibitory character."

If the elimination of the saloon and a diminished consumption of intoxicants could be shown (even in the abstract and without regard to the nature of the different drinks) to bear to each other the relation of cause and effect, the dispensary system would stand vindicated as an effective temperance measure. The South Carolina officials actually advance this claim, but they have failed thus far, to produce any evidence that can be verified statistically.

We have proof, as will presently be seen, that the system not only reduced, but at one time almost completely wiped out the consumption of malt-liquors and practically destroyed the greater part of the brewing industry, which under great difficulties and in spite of a combination of adverse conditions, had just begun to gain a firm foothold in the State. The assertion that the system has greatly reduced the consumption of liquors and consequently diminished intemperance could not be made, of course, without being supported by some seemingly plausible evidence, but this evidence cannot stand the test of an impartial statistical scrutiny. Generally speaking, it may be asserted, without fear of contradiction, that there is no official basis of comparison. Neither the U. S. Internal Revenue Office nor the State officials have any means

of determining the quantity of distilled spirits sold *legally* within the borders of the State before the enactment of the dispensary law. Federal revenue statistics serve as an unquestionably reliable gauge of the quantity of distilled liquors lawfully manufactured in South Carolina distilleries; but as to the quantities exported from or imported into the State, information, even were it only in the nature of an official estimate, cannot be had anywhere. This leaves out of consideration entirely the quantities of liquors made, sold and consumed under the surreptitious method known as "moonshining." Hence, even if it be assumed that the extent of the present consumption, lawful and illicit, could be ascertained with anything like mathematical accuracy, it would still be impossible to prove that the consumption has decreased during the reign of the dispensary system, because nobody can tell how much liquor was consumed before its advent.

A perusal of the official dispensary reports will disclose the fact that the profits are constantly increasing, which proves that the official sales increase from year to year. This official showing in itself would flatly contradict the assertion as to a diminished consumption; but it will be found in these same reports that this increase of sales is construed as an evidence, not of "increased consumption, but of a more rigid enforcement of the law."

Statistical proof of this conclusion would be convincing, but it is not given nor can it in any way be obtained. At all events, in whatever way it may be explained, there remains at least one undeniable fact, vouched for, not by an official conclusion more or less fanciful, but by the bare, uncompromising showing of the State's balance-sheet, namely, the fact that the official sales of whiskey increase enormously. Even if the correctness of official conclusions relative to increased sales and a simultaneous diminution of consumption, be admitted hypothetically, it would not prove that the general consumption—lawful and illegal—has decreased, nor could it by any mode of inferential reasoning be construed as an evidence that the evils of intemperance have been lessened. First and above all things, it remains to be considered in this connection that neither from the official records of the State* nor from any other reliable source can any data be obtained upon which may be based an approximate estimate of the quantity of spirits shipped to private

* See report of the State Board of Directors for 1903, and other preceding reports.

consumers for their own use. This quantity must be very large, for there always existed a well-grounded apprehension, strengthened by many official exposures of fraudulent practices on the part of those dispensary officials who purchase liquors, that quality and purity of the dispensary's beverages were not as a rule the determining factors in awarding contracts for furnishing the State's supply of intoxicants.

In addition to this quantity which, although not a part of the legal traffic, still constitutes a very considerable but statistically unascertainable proportion of the lawful consumption, there remains the still more elusive factor of the illicit trade. Nearly every gubernatorial message affords ample proof not only of the existence of this unlawful traffic, but likewise of the State's inability to cope with it, save by a method of compromises and concessions as humiliating to the dignity of the commonwealth as it is injurious to the cause of temperance which the dispensary system is avowedly intended to promote. In many instances, some of which, singularly enough, occurred in prohibitory territory, the dispensary succumbed ingloriously to the "blind tiger" and unconditionally abandoned the field to the illicit traffic. In his message of 1899, Governor Ellerbe in recommending that prohibition counties should not receive any of the profits of the dispensary and should be made to bear all expenses of enforcing the prohibitory law, mentions two examples—one illustrating our contention, and both extremely interesting and very significant in more respects than the one here referred to.

In this case a literal quotation appears decidedly preferable to a paraphrase. This part of the message reads as follows, viz.: "The county of Marlboro, which never had a dispensary, and which is now under the most rigid form of prohibition, with no possibility of *legal* liquor traffic within its borders, receives its share of the dispensary profits, while at the same time the State is charged with maintaining constables in that county to enforce the law and prevent the sale of liquors. The same thing obtains in the county of York, where *the only dispensary has been discontinued* leaving the county without any place where liquor can be legally brought. You will call to mind that *these two counties are close to the North Carolina boundary, and it is well known that there is a large influx of whiskey from distillers across the line*, by wagons and other conveyances."

In the legal battle before the Court of Claims, whose decision has been quoted before, the counsel of the United States offered evidence to show, among other things, that the dispensary system was simply a money-making scheme to which all purely moral or ethical considerations are ruthlessly sacrificed; and that "in Columbia there are numerous places in the immediate neighborhood of the dispensaries * * * where liquor is sold openly; and that where the keepers of *drinking saloons purchase from the dispensaries, they are not prosecuted.*" The counsel for South Carolina, far from refuting these charges, contended that "neither the violation of the law by individuals nor the lax administration of it by State officers should be regarded as a part of the system or as a sufficient reason why the exercise of the police power should be denied to the State." As late as 1903 Governor McSweeney referred in his message to the illicit sale of liquor in the larger cities, stating that these "sales will continue until public sentiment changes, and that special constables can accomplish but little where such conditions exist."

These rather copious quotations are deemed necessary to prove the existence of an extensive and widely ramifying illicit traffic, either running alongside of the official sales or superseding them, and not infrequently connived at or openly tolerated by the dispensary. The volume of this trade, of the shipments to private consumers, and of the quantities made and consumed in that portion of the State, known as the "dark corner," where moonshining has always been considered a perfectly honorable calling, absolutely defy computation and it is impossible to conceive any method by which the dispensary officials could possibly substantiate by direct statistical data their assertion that the consumption of ardent spirits and intemperance have been decreased.

The only statistical evidence at their command and lavishly made use of, consists of the police reports giving the number of arrests for drunkenness and disorderly conduct before the introduction of the dispensary, and during periods of a rigid enforcement of the law as compared with periods of non-enforcement. Before considering what these statistical exhibits really prove, it may not be amiss to explain why some investigators pretend to doubt the reliability of these official figures. Ever since its enactment and up to 1903, the dispensary law overshadowed in importance every other

political issue; it was the foremost question in every campaign. In his message of 1901 Governor McSweeney emphasizes this undeniable fact and adds that "the law has been more strongly opposed than any other, and that every argument that could be brought to bear against it, has been presented by some of the ablest intellects of the State." This opposition imposed upon the dominant party the imperative duty of presenting counter-arguments, and inasmuch as they controlled not only the dispensary machinery, but also the entire police force and had it in their power, under the metropolitan police law, to supersede the municipal authorities, it would not have been a difficult matter for them to utilize colorable statistics in such a manner to afford advantageous campaign arguments.

The temptation to do so must have been very alluring, considered from a partisan point of view, in any case where the metropolitan police took the place of the municipal force. It is for this reason, probably, that some students of the question treat these data with a certain degree of caution. We may as well state here, without any mental reservation, that we accept these statistical exhibits *at their face-value*, and admit that they show a decrease in the number of arrests for drunkenness. We cannot accept them, however, nor can any one familiar with the subject of alcoholism accept them, as an evidence either of decreased consumption or of diminished intemperance. They prove nothing beyond a decrease, more or less marked, of what for want of a better designation may be styled *public* inebriety. It would indeed be an astounding, an almost marvelous thing if such a decrease in *public* drunkenness were not easily demonstrable. *Formerly the great bulk of intoxicants was consumed in public houses, exposed to public observation and subjected to public surveillance. Under the dispensary system the consumption of alcoholics is completely divested of this publicity and driven into the houses of the consumers, and consequently both drinking and drunkenness are screened from public observation by the privacy of the home.* The people who indulge to excess in their own homes, will go to bed or will be put there by their relatives; and their excessive indulgence cannot under any circumstances become a part of the statistics of inebriety. Hence, the decrease in the number of arrests for drunkenness is a perfectly natural and logical result of the system; but it does not prove that there is less drinking, less drunkenness or a greater degree of general sobriety. In fact, the

opposite is probably true, for according to official testimony, which will be cited presently, as a result of the indiscriminate application of the system to all beverages, the poorer people, who formerly would buy beer by the glass and pint, were compelled to give up this mild, healthful beverage, being unable to obtain it at the dispensary in proper condition and having no means at their home to keep it properly. They were undoubtedly driven to the use of spirits. Thus it may safely be said that, while it would be extremely unfair to the dispensary officials to cast the slightest shadow of doubt upon their statistical exhibits, or to assume that for partisan purposes they availed themselves of the colorability of such data, it would be unreasonable and wholly unwarrantable to admit the correctness of their conclusion relative to a decrease of consumption or a diminution of intemperance.

The system cannot be judged by such data; its effects will be made manifest in that part of the Federal census of 1910 which will deal with the question of alcoholism in all its various phases and aspects. The census of 1900 cannot afford any enlightenment upon the subject; for it was only at about the beginning of the present century that the system could be placed upon a solid basis, and any test of its merits or defects should begin at this point. Up to 1898 adverse decisions by State and Federal courts created a condition of things which prevented a fair test, and the popular discontent, which in the early stages of the experiment led to open revolts against the State authorities and threatened to cause a civil war, continued for a long time to make itself felt in a number of ways calculated to hamper the work of the dispensary.*

While judgment as to the general effects of the dispensary must be suspended until a statistical basis of comparison can be established, a consideration of the result of the system so far as the consumption of malt liquors is concerned need not be postponed, for, unfortunately, the most convincing evidence can be gleaned with equal facility from the Federal revenue reports and from the official statements of dispensary officials. As has already been stated, the great feature that vitalizes the European monopolies and differentiates them from the South Carolina method consists of the systematic encouragement of brewing and viticulture. Both beer

*The gubernatorial campaign of 1902 was the first one since the enactment of the law in which the dispensary was not an issue; the candidates of all parties being then for the first time pledged to the enforcement of the law.

and wine are excluded from the restrictive rule applied to spirits, and everything within the power of the government is done to substitute them for ardent spirits as the common drink of the people. In every country where the drink-question has given rise to serious apprehensions as to the future physical and moral welfare of the people and where the governments have co-operated with scientific societies in the endeavor to find a rational solution of the problem, this principle—so aptly and tersely formulated in the Swiss program quoted in these pages—became the basis of liquor legislation.

This policy prevailed in our own country until the advent of the system of indiscriminate high licenses, and no sane man will deny that the present temperate drinking habits of the American people, which must appear all the more remarkable when compared with the condition of things before 1860, are attributable largely, if not exclusively, to this policy.

Climate and the argicultural occupation and mode of life of the great mass of the working people militated strongly against the introduction of lager-beer into the Southern States, but both the climate and the soil favored viticulture and it is to be regretted that these natural advantages remained unexploited. True, many efforts were made in Colonial days (and subsequently) to introduce vineyards into the Southern section of our country, especially into Virginia and the Carolinas (in the latter by Huguenots), and many eminent men actuated by moral considerations took the deepest interest in these ventures. But here again unwise laws conspired with other unfavorable conditions to frustrate a real temperance measure. It is a well-known fact that Thomas Jefferson strongly favored viticulture; his famous utterance on the subject fairly reflects the views of his contemporaries: "No nation is drunken where wine is cheap, and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is in truth the only antidote to the bane of whiskey." Dr. Bowditch, who cites this dictum in his celebrated essay on "*Intemperance in the Light of Cosmic laws*," adds these words: "Probably Mr. Jefferson knew little or nothing of lager-beer." It is also true that not a few attempts were made in early Colonial days to introduce brewing, as an industrial pursuit, into the Southern territory, and among these the most remarkable is doubtless that of Governor Oglethorpe of Georgia who established breweries in order to change the drinking

habits of the people, being convinced, to use his own words, that "cheap beer is the only means to keep rum out." But all these well meant efforts could not prevail against natural impediments and other adverse conditions.

In recent years viticultural experiments appear to have been more successful in the Southern States. Individual enterprise in this direction probably received its strongest impetus from an appreciation of the rapid growth and profitable development of the wine industry in California and Ohio. In South Carolina where the scuppernong, a very fine grape, grows in luxuriant abundance, these experiments succeeded quite well on a smaller scale. But, of course, in the total quantity of stimulants required to supply the State's demand for stimulants, the produce of the home vineyards deserves no consideration; it is indeed a wholly negligible quantity in any statistical exhibit of consumption.

A long time after the introduction of lager-beer into the United States (about 1845), the brewing industry began to appear in a few Southern cities, such as New Orleans for instance, where a slowly increasing German population created a demand for beer; but it neither gained a very firm foothold nor did it rise to noticeable industrial proportions anywhere until the comparatively recent development of artificial refrigeration furnished the Southern brewer the means of overcoming the climatic difficulties that had until then seriously handicapped his calling.

Even then South Carolina offered but very few inducements to the industry. The Germans, mostly centered in Charleston, amounted to less than one-half per cent. of the total population; there was practically no industrial class; more than two-thirds of the entire population lived in rural districts, and probably more than three-fourths of the wage-earners were engaged in agricultural pursuits. Yet, even under these discouraging circumstances, brewing had begun to prosper on a scale far exceeding the measure of development which could reasonably have been expected; and the shipments of beer from other States increased quite rapidly. The beverage grew in favor the more people realized its refreshing, stimulating and sustaining effect and became aware of the fact that while the drink satisfied the craving for a narcotic stimulant, it was practically non-intoxicating, if taken in moderate quantities. As a result of this growing taste for beer, we find the municipal authori-

ties favoring the establishment of beer saloons by discriminative license rates.

If the lawmakers had allowed the experiences of other countries to guide them in their efforts to create a monopoly for the combined purposes of revenue and temperance, they would have taken suitable measures to secure the continuance of these saloons where beer was being sold in the only way and at a price which would ultimately have popularized it in the larger urban communities. That such a course would have been a temperance measure in the best sense of the word, was fully understood then. Even the dispensary law itself affords strong evidence showing that the physiological and moral effects of fermented beverages, as compared with those of distilled liquors, were not wholly ignored by the legislators. This evidence lies in the provision permitting any person to make wine of grapes or other fruits for personal use. In the rules governing the dispensary we find a similar evidence in the requirement that wines made of grapes grown within the State shall be sold at a nominal profit.

Had the legislators consulted statistics of alcoholism and noted how completely the drinking habits of modern peoples have been changed in the direction of temperance by the popularization of a drink containing but four per cent. of alcohol and possessing a dietetic value superior to that of any other stimulant, they might possibly have felt it to be their duty to devise arrangements by which the method of dispensing malt-liquors, as carried on in the beer saloons, could have continued under the general supervision of the dispensary. As it was, the enactment of the dispensary law drove these saloons out of existence at once, and transferred their trade to the dispensary. But, as we shall presently see, the State naturally regarded the sale of whiskey as being in every way more profitable and less burdensome than the dispensing of malt-liquors, and acted accordingly, so that at the very inception of the system, the most serious public objections urged against the dispensary was that it favored spirits at the expense of beer and thereby promoted inebriety.

Under normal conditions, severe restrictions placed alike upon beer and upon whiskey will inevitably work to the detriment of the former, without materially affecting the consumption of the latter drink, because the illicit traffic absorbs any quantity of ardent

spirits and readily eludes detection; while beer cannot be sold unlawfully for reasons which it is needless to explain here. In the case of the dispensary, these unequal effects of the same cause were so striking as to provoke criticism of the law even on the part of some of the officials who were charged with its execution. And these effects were particularly severe upon the brewers who lost practically all their customers on the day on which the saloons were closed, and would necessarily have been compelled to suspend operations. This total destruction of a home industry would have been very embarrassing to the dispensary officials whom the law required to purchase beer made in South Carolina in preference to imported malt-liquors; the manifest intention being, in this case as in that of home-made whiskey and wine, not to sacrifice home industries for the benefit of the industries of other States.

It was, doubtless, this consideration that suggested the expedient, first resorted to during the critical period of the dispensary, of allowing home brewers to sell directly to their private customers on the condition that they pay a fixed royalty to the State. It proved a paltry makeshift in the face of the swelling tide of free whiskey and the State's frantic efforts to compete with, and hold its own against, the "blind tiger" and the legalized "original package" trade.

The rapid decline of the beer industry, the manifest unwillingness or inability of the dispensaries to supply the demand for beer in the form and condition and at a price which the nature of the drink and the needs of the consumer demanded, soon gave rise, as we have intimated before, to much discontent both among the beer-drinkers and that large class of broad-minded citizens who looked upon fermented liquors in general in precisely the same way in which Thomas Jefferson looked upon wine. All these circumstances had a tendency to strengthen the conviction that, in the interests of temperance, some discrimination should be made in favor of beer; and in deference to public opinion the royalty system was resorted to and considerably extended. The amended law empowered the State Board to permit the establishment of beer dispensaries for the bottling and sale of beer "to be operated as prescribed by law." This law applied only to cities of over 20,000 inhabitants, of which there are only two, namely Charleston and Columbia.

The consumers' objections to the beer sold in the ordinary dis-

pensaries were entirely justified and the authorities themselves admitted their validity. These beers after having been subjected to pasteurization, passed through several hands before they reached the dispensers. Carelessly handled at every stage, frequently exposed to the intense heat of the Southern climate, they finally found storage in a place exposed to varying degrees of temperature, received no care whatever, and were ultimately handed over to the consumer at an exceedingly high price and in the worst possible condition.

Under the terms of the amended law, as construed by the Attorney General, the county boards had the power to establish local dispensaries for the exclusive sale of beer. And of this power many boards made an excellent use.

The new beer dispensaries received permission to bottle and sell fresh beer on payment of a royalty, but they could not sell for consumption upon the premises. Although a concession calculated to satisfy the beer-drinker who can afford to purchase his supply of beer and keep it in good condition at his home, this expedient—a precarious makeshift at best—could not possibly fill the want created by the extinction of the beer saloon. Beer is essentially the drink of the poorer people, but it can never become the common drink unless it is sold from the barrel by the glass or pint and at a price within the means of the wage-earners.

It will readily be perceived that, although not a very effective expedient, this innovation was expressly designed to promote temperance. Unfortunately, it was not permitted to pass without severe criticism. Its introduction at a period when the dispensary system had passed through its critical and crudely experimental stage and had yielded considerable profits, seemed to satisfy everybody except the prohibitionists. They assailed it fiercely, and the Governor, who for reasons of his own wished to avoid their antagonism, joined them in their opposition to the beer dispensary. This led to a controversy between the State dispensary authorities and the Governor, which, although it threatened the stability of beer dispensaries, had a wholesome effect in the end. It may be permissible to reproduce here an official letter from the heads of the dispensary system in reply to our inquiry relative to this controversy. Its literal reproduction appears all the more desirable, because it adds official confirmation to our presentation of the case,

so far as the temperance aspect of the subject is concerned. The letter reads as follows, viz.:

OFFICE OF STATE BOARD OF CONTROL S. C. DISPENSARY,
COLUMBIA, S. C., Feb. 11, 1899.

G. THOMANN, Esq., New York City.

Dear Sir:—The "beer privilege" feature of the dispensary law is designed to meet the requirements of that portion of our citizenship who want, and will have, fresh beer. Under the general provisions of our dispensary law, the ordinary county or local dispenser is restricted to the sale of liquors in unbroken packages, just as he receives them from the central or State dispensary, and hence, cannot sell unsteamed or fresh beer, but can only sell what is known as steamed or export beer He also sells all other classes of liquors. The beer dispenser is exempted from these general restrictions and is furnished fresh beer in casks by the State Board, and allowed to bottle and keep it in cold storage to be sold by the bottle or dozen bottles to the consumer. He is allowed to sell nothing else. *We have 23 such "privileges" in operation in the State, and they have had a wonderfully good effect in the interest of temperance.* The worst that can be said against the plan is, that the profits of the beer dispenser depend upon the amount of his sales. He is required to furnish his own capital, paying the State a royalty, and of course, there is an incentive to encourage the sale and consumption of beer, but the purchaser is not allowed to drink on the premises and but little harm comes of it. The taste of the beer-drinker is as pronounced for beer, as against ardent spirits, as the taste of some people is in favor of wheat, as against corn bread. *If then, he is denied fresh beer, and is driven to the consumption of ardent spirits, intemperance is promoted.* The royalty or profit from these 23 agencies during last year amounted to more than $50,000, which proves the demand for fresh beer which *we consider comparatively a temperance drink.* * * *

The Governor, as you mention, has criticized the Board for granting these privileges, we believe in deference to the mistaken idea of some of the most rabid Prohibitionists, that they simply increase the total sale of liquor.

We are respectfully yours,

(Signed) L. J. WILLIAMS,
J. B. DOUTHIT.

Under the Attorney General's construction of the law, these beer dispensers, appointed by the County Boards of Control and acting under regulations approved by State authorities, were to be regarded and treated like all other official dispensers and the beer sold by them "must be purchased primarily by the State Board of Control." The establishments of the new order therefore remained under the full control of the State and were held to be subject to all the provisions of the law and the regulations governing dispensaries —the special privilege granted them consisting exclusively of the right to bottle and sell beer under the royalty system.

Yielding to pressure from above, the State Board adopted the following resolution, viz.:

Resolved, That all beer dispensaries are hereby ordered closed and the terms of office of such dispensers are declared to be vacant; this order to become effective on November 1, 1899.

Resolved, further, That semi-sterilized or family beer be supplied to consumers through the regular county dispensaries, and that breweries usually seeking business with the dispensary are requested to submit bids to the State Board of Control at the October meeting, proposing to supply such beer bottled and in crates and in such quantities as may be necessary to be shipped to various county dispensaries direct, and at such times as may be ordered by the Board.

And it is further resolved, That the Board at the October meeting designate such dispensaries as it is deemed prudent to require to handle such beer, and that they be required to handle such beer business by November 1.

Having established these beer dispensaries in the interest of true temperance, the State Board doubtless concluded that they had the right and power to discontinue them in the interest of political expediency; but the Attorney General, having previously decided that the beer officials are to all intents and purposes county dispensers, now interposed another legal opinion to the effect that these officials cannot be removed without cause.

The ultimate restoration of the local beer dispensaries upon an absolutely legal basis, but under all the restrictions before enumerated, permanently settled this phase of the question. The system has not since then undergone any essential changes either as to the principles involved or the executive details relative to the practical management of the dispensary; save in one particular and that is the price of the liquors. The original rate of profit was reduced repeatedly so as to meet more successfully the competition of the illicit traffic, but this could not, in the very nature of things affect malt-liquors, seeing that an illicit traffic in these beverages did not exist. The object was to cheapen whiskey and to increase profits by increased sales—certainly not a temperance measure.

In summarizing the objects, the operation, and the results of the South Carolina law, it must be repeated at the outset that as a temperance measure the dispensary cannot stand the test of a comparison either with the European alcohol monopolies or with any one of the modern methods which are based upon the scientific and

official investigations referred to in the foregoing pages. In fact, it is lamentably defective in all those essential principles which are recognized throughout the civilized world as the only effective means of promoting temperance. Even the most fanatical advocate of total abstinence must admit that if men *will* drink stimulants and cannot be prevented from doing so either by moral suasion or physical coercion, the cause of temperance will be best subserved by any rational system which, while neither forbidding nor *unreasonably* restricting the use of ardent spirits, will tend to popularize the use of fermented beverages containing but a very small percentage of alcohol and even that small percentage of a nature different in every respect from the alcohol obtained by distillation.

No sane man will dispute any part of this statement. The popularization of beer and its ultimate substitution for ardent spirits as the common drink of the people, cannot be achieved without a distributing and dispensing agency so constituted and conducted, under proper safeguards, as to render the drink as cheap and as easily accessible as possible. It is this consideration that prompted the governments of Switzerland, Sweden and Russia to exempt beer and wine from the restrictive operation of the monopoly and to encourage the sale of beer in the only way in which it can be popularized, namely, by the glass and pint through the agencies of the hotel, the restaurant, the beer-garden, the café and the saloon. The men who drink a glass of wine or beer with their meal either at the hotel or the restaurant; the men who with their wives and children visit beer gardens to listen to good music and enjoy the pleasure of social intercourse with their neighbors; the wage-earners who congregate in beer saloons for amusement and recreation; the men who buy a pint of cool, fresh, foaming beer for themselves and their families at the evening meal—all these are not the men who drink to excess on any of these occasions, and among them drunkenness is a rare, an almost impossible occurrence. To them beer is an indispensable part of their daily diet—a stimulant it is true, but in no sense different from tea or coffee (narcotics both), so far as the character of its use is concerned.

The Swiss policy, already quoted in these pages, of divorcing the traffic in fermented drinks from that in distilled liquors by placing the latter under certain restrictions and securing to the former enhanced facilities for expansion, more especially in the matter of

taxation, actually prevails under different forms in every European country. We may be permitted in this connection to quote but one more official illustration. When the Belgian Government abolished the municipal taxes upon beer, wine and cider, the Secretary of the Treasury had this to say about the measure: "By removing local tax-burdens from beer, wine and cider, the law naturally lowers the price of these beverages and increases their consumption, thus serving the interests of public health by substituting these healthful beverages for ardent spirits." Until the advent of uniform high-licenses, the same policy prevailed in our own country, and even since then the real friends of temperance have striven to bring about the substitution here referred to.

But such a substitution cannot be achieved under a system that enhances the price and lessens the accessibility of beer and actually prevents its use by the great mass of the poorer people at the very places and in the very manner which the nature of the drink and the needs of the drinker demand. The tapster, not the bottler, is the popularizer of beer; and the tapster is tabooed in South Carolina.

Whatever good the dispensary system may have wrought in other respects, whatever may be its efficacy as a source of revenue, it certainly is not a temperance measure in that broader sense and acceptation of the term in which it is used when applied to the European monopolies or to any license system discriminating between an effervescent and nutritive beverage containing 4% of alcohol, and a liquor containing 50% of alcohol. In fact, a more effective method of retarding the development of brewing and discouraging the consumption of beer, could not have been devised.

It has been shown that as soon as the system had been placed upon a secure working basis, both the legislators and the dispensary officials recognized this defect and sought to remedy it; but the corrective they applied, although not wholly ineffective, must in the end prove but a poor makeshift, incapable of bringing about a change in the drinking habits of the people.

In spite of all these slight concessions, the actual injury inflicted upon the brewing industry of the State in the impairment of production has not yet been repaired, and of course, there is no possibility under any circumstances of compensating the trade for opportunities of development lost during a period of marvelous prog-

ress in all other beer-producing States. A few figures will serve to illustrate this statement.

In 1892 South Carolina had two breweries with an aggregate annual output of 12,000 barrels. In 1904 there was but one brewery in the State and its production amounted to about 3,132 barrels. During this period of twelve years the average increase in the production of malt-liquors throughout the country amounted to 50%, of which, had it not been for the dispensary system, the South Carolina brewers would have had their share. Instead then of a decrease of 9,000 barrels, there would have been an increase of 6,000 barrels, or in other words an annual output of 18,000 barrels. Reliable and very conservative estimates place the total quantity of beer shipped into South Carolina in 1892 at 80,000 barrels. The beer-purchases of the Dispensary Commissioner up to 1895 averaged less than 2,000 barrels per year. Although since then matters have undergone a change for the better, the disparity between the increase in the sales of beer and of whiskey is very marked as compared with what would have been the relative proportion of increases, if beer had not been included in the system. The following table showing the value of the State's sales of beer and whiskey needs no commentary; it tells its own tale more eloquently than words could do:

	Beer.	Whiskey.
1899.....	$89,061.95.....	$1,424,715.82
1900.....	147,233.15.....	1,608,691.07
1901.....	127,455.50.....	1,875,858.43
1902.....	183,515.50.....	1,971,755.21
1903.....	208,905.57..,.....	2,280,989.22
1904.....	234,384.53.....	2,778,018.06

This table shows that even under the comparatively favorable conditions existing in 1904, the consumption of beer in South Carolina amounted to only about one-fourth of the quantity consumed in 1892.

People living in a climate like that of South Carolina are not naturally drinkers of fiery spirits. According to what is now universally recognized as a cosmic law—invariable in its manifestations save where man's folly perverts natural inclinations—they should

be drinkers of fermented beverages and pre-eminently temperate in their drinking habits. In early Colonial days commercial intercourse with the West Indies made rum a principal article of barter, and rural distillation, fostered by laws which conceded to every planter the right to "sell liquors in any quantities to his laborers and neighbors," only tended to swell the volume of the rum traffic. It was in this way that South Carolinians became addicted to the copious use of spirits. Even under the most favorable conditions it must prove a difficult task to wean people from a habit so deeply and firmly rooted, and under a system like the dispensary it becomes impossible. This much at least must be admitted even by the dispensary enthusiast; in fact, in the face of the data here presented it cannot be denied.

Concerning the claim that the dispensary system has decreased the consumption of ardent spirits, it has been demonstrated that anything like statistical evidence in support of it cannot be obtained and that there are no means of ascertaining the quantity of spirits sold and consumed in violation of the law. That the illicit sale still prevails to a considerable extent, has again and very recently been admitted by the Governor of the State, who in his message of 1905 states that the enforcement of the law "involves a problem of ceaseless and never-ending responsibilities and anxieties." He mentions a number of methods by which the law is successfully violated and emphasizes the impossibility of enforcing the law in Charleston, the principal harbor and commercial and industrial centre of the State. Neither he nor any other State or Federal officer can determine the quantities of spirits sold illicitly, and it therefore follows that the attempt to prove inferentially a diminution of intemperance as a result of an alleged decrease in the illicit, and an enormous increase in the lawful, sales is a singularly infelicitous way of proving that the dispensary stands for sobriety. It is useless to again demonstrate the incongruity of the reasoning by which it is sought to substantiate this claim. (See page 28.)

Even if the official assumption that an increase in the dispensary's sales necessarily implies a corresponding shrinkage of the illicit traffic, were correct, it would not prove that the *general* consumption has decreased. It would show that a part of the demand for liquors formerly supplied by the "blind tiger" is now filled by the State. It would simply indicate a change in the channel through

which the supply reaches the consumer and not at all a diminution of the supply itself. It would prove that in its ceaseless competition with the illicit traffic, the dispensary has been successful to the extent of its increased sales. That is all. The total quantity consumed would not be affected either one way or the other.

At this point another one of the avowed objects of the system demands attention. It appears to be officially assumed—as must be inferred from various statements contained in the dispensary reports—that this competition with the illicit traffic derives its most potent element of success from that clause of the law which provides that the dispensary liquors must be tested as to their purity. Under normal conditions, this guarantee of purity should indeed secure to the State a great advantage over the unlawful seller and particularly over those who deal in the product of the primitive rural still. It doubtless has this effect to some extent, but it is offset by the higher prices charged by the dispensary. This applies more particularly to the cheaper grades of whiskey which constitute the bulk of the official supply.*

Besides, the method of securing pure liquors does not possess any virtue which could inspire greater confidence in the official guarantee than is ordinarily reposed in the name or trademark of the average distiller who conducts his affairs upon business principles. Its effectiveness depends entirely upon the integrity of a few officials and it offers no safeguards against the many alluring temptations to which the competition among distillers necessarily exposes this integrity. Charges of corruption, peculation, collusion between officials and supplymen have always been quite numerous, and in many instances their substantiation appears to have been an easy matter. Governor Heyward devotes a considerable part of his recent message (January 1905) to the subject of purchases and among other things recommends as a means of disarming criticism that the officers making purchases should be compelled to require the firms contracted with, "to guarantee the sale of *such* goods as may be ordered and that all advertisements for bulk goods should be placed strictly and absolutely upon a competitive basis."

* The following is an extract from the official report of 1894: "The demand for the cheaper grade of liquors necessitated the placing upon the market of our 80% rye, corn and bourbon. These goods have become a formidable opponent of the illicit whiskey vendors, because they are purer and better at popular prices."

The practices which the absence of such common safeguards must encourage do not require elaborate elucidation.

The methods pursued under the European alcohol monopolies afford an absolute guarantee of purity, because the State subjects all potable spirits, no matter of what materials they may be made, to a process of rectification so rigid and thorough as to remove every particle of fusel-oil—a deadly but easily eliminable constituent of spirits.

In spite of its manifest defects, the South Carolina method for securing pure liquors probably serves an excellent purpose in all cases where the dispensary's liquors take the place of the moonshiner's product, and to that extent the system may have lessened the evils of alcoholism. But what this amounts to, if it amount to anything, it is impossible to determine; and any unbiased student of the question will admit that such meagre results—easily obtainable by ordinary means—are not worth the terrible sacrifices which the system has imposed upon the people.

An enumeration of these sacrifices in the form of a narrative would exceed the bounds within which it is desired to confine this essay; besides to those who have attentively read the preceding pages, such a recital would appear superfluous.

Without exaggeration it may be said that, excepting its profit-making feature, the dispensary system accomplished the very opposite of the objects which its advocates pretended to aim at. Ostensibly introduced as a promoter of public morality, it produced a degree of demoralization unequalled in the history of any modern State. Designed to protect law and order, it called forth a profound contempt for the law and a spirit of lawlessness which—as may be seen from Governor Heyward's latest message—manifests itself in other directions and in more vital matters than the mere violation of a liquor law. Paraded as the legal embodiment of the will of the people, it was used to overthrow municipal independence, to destroy home-rule, to build up a vast political machine for partisan purposes; to call into existence a semi-military organization clothed with functions and powers repugnant to American ideas of communal liberty and subversive of the natural rights of the individual. It caused bloodshed; provoked a popular uprising which the State was barely able to suppress; came perilously near precipitating a civil war; favored and promoted official corruption; lowered the dignity of the commonwealth; degraded the Executive

to the level of an anxious competitor of the "blind-tiger," eager to enter into humiliating compromises with the lawless and, if need be, to palliate and condone crime for the sake of profit.

South Carolinians are neither better nor worse than the people of any other State of our Union; and it is safe to say that in any other State the same conditions would have produced the same spirit of lawlessness which Governor Heyward deprecates so strongly in his latest message. When Governor Tillman, a man of brilliant intellect, a born leader of men, the idol of his party, set at naught the authority of the Federal Courts; when he openly defied the highest court of the State and nullified its mandates; when his constabulary shot down the people who tried to obey the orders of minor courts; when he used his extraordinary power as a party leader to place upon the Supreme Court bench a man pledged in advance to render judgment at the dictates of partisans; when he threatened trial justices with removal from office unless they stuffed jury-boxes—he set an example of lawlessness that could not fail to create a profound and lasting impression upon the public mind.

These are the actual effects by which the system must be judged, until the Federal statistics of alcoholism, such as the Census of 1910 will contain, shall enable the investigator to base his judgment upon data that do not lend themselves as readily to fanciful interpretations and constructions as the so-called statistical exhibits reviewed in the foregoing pages.

One unassailable and incontrovertible fact stands out boldly, however, and does not require such statistical corroboration, and that is that the system, no matter what actual or potential virtue it may possess as a provider of cheaper and purer whiskey, lacks the principal characteristic of a real and effective temperance measure, such as the Swiss Monopoly is universally conceded to be, because it includes vinous and malt-liquors in its restrictive operations. Such concessions as have been mentioned here may and probably do mitigate the evil effects of this indiscriminate method, but they cannot eradicate them, and until that is done, the dispensary does not deserve to be classed, as a temperance measure, either with the European alcohol monopolies or with any rational license-system which discriminates between a drink containing 4% and a liquor containing 50% of alcohol. Viewed in this light it is, in fact, worse than the worst high license system.